

If a traveller catches a Rak'ah behind a Resider, should he pray the Salâh of a traveller[i.e. Shorten it] or the Salâh of a resider[i.e. complete it]?

Shaykh Sulaymān al-'Alwān(حفظه الله) responded by saying: If a person catches a Rak'ah with the Mutim[a person praying a complete Salâh], this is more general than [saying] Muqīm[a Resider], regardless if he was a Resider or not, however he completed[his Salâh], because sometimes a Traveller can perform ta'wīl[an interpretation], so he prays completely[without shortening], so upon this we say if the Traveller catches a Rak'ah or more[rak'ahs] behind a Mutim, we do not condition this to praying behind a Traveller, as what ibn Mas'ūd(رضي الله عنه) did, ibn Mas'ūd(رضي الله عنه) was a Traveller and would pray behind 'Uthmān(رضي الله عنه), and 'Uthmān(رضي الله عنه) was a Traveller, however he performed ta'wīl[interpretation] that he's a Muqīm[Resider], so 'Uthmān(رضي الله عنه) completed the full Salah & ibn Mas'ūd(رضي الله عنه) completed the Salâh behind him & he wouldn't shorten it, so in this situation, it's compulsory upon you to complete your Salâh and this is the saying of the Majority of the Scholars, from among the Sahābah such as ibn Mas'ūd(رضي الله عنه), ibn 'Omar(رضي الله عنهما), ibn 'Abbās(رضي الله عنهما), and from the among the Tābi'een and from the Imāms that are followed after them, and this is what's correct in this issue.

However, if he[the traveller] enters/catches the Salâh outside the Rak'ah, such as the one who enters in the final Tashahhūd, so what's correct in this situation is that he prays the Salâh of a traveller, not the Salâh of a resider, because he did not follow any part of the Salâh, and the Salâh is known by catching a Rak'ah, because of the saying of the Prophet(صلى الله عليه وسلم) "Whoever catches a rak'ah of Salâh, then he has caught the Salâh" and the proof for this is also, "an opposing evidence" [daleel 'aks] as it's known by the Usūliyeen[Scholars of Usūl al-Fiqh], and it's the issue of Salâh al-Jum'ah.

If he joins in where the Imām is in the final Tashahhūd of the Salâh, how would he pray? He would pray 4[Rak'ahs for Jum'ah], and if he prays a Rak'ah[with the Imām], he prays 2 Rak'ahs[for Jum'ah], so that has proved that [the Salâh] is known by Rukū', and this is a proof against Abū Hanīfah(رحمه الله) when he said that if he joins in the final Tashahhūd with the Imām, that he prays the same as him, and he'll be on the level of following the Salâh, and when he was given the evidences regarding Jum'ah, he contradicted himself and didn't say anything regarding Jum'ah, and he said it for the other Salâh[other than Jum'ah], so this is a proof against him in this issue. So what's correct in this issue is that if the Traveller prays a Rak'ah with the Mutim[the one who completes Salâh], he prays the Salâh of a Mutim, and if he joins in besides the Rak'ah[like in the final Tashahhūd], then he prays the Salâh of a Traveller.

Note: Daleel 'Aksi according to the scholars of Usūl al-Fiqh means that if the Prophet(صلى الله عليه وسلم) said the optional prayers in the night are by two's[i.e. Two rak'ahs], therefore we understand from this that the optional prayers of the day are by 4's, so you pray 4 rak'ah before Dhuhr & 'Asr. Btw there's also some difference of opinion regarding praying 4 Rak'ahs with 1 Salām, but the correct opinion is that it's correct & perfectly fine.